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07 UNITED STATES DISTRICT COURT  
08 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

09 MICHAEL A. JACKSON, ) CASE NO.: C08-0685-RAJ  
10 Plaintiff, )  
11 v. ) ORDER DISMISSING § 1983  
12 JULIE A. SPECTOR, et al. ) ACTION  
13 Defendants. )  
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15 The Court, has reviewed the Report and Recommendation of the Honorable Mary  
16 Alice Theiler, United States Magistrate Judge (Dkt. # 5). Although Plaintiff Michael Jackson  
17 has not objected to the Report and Recommendation, he filed a motion (Dkt. # 6) after the  
18 issuance of the Report and Recommendation, invoking the “mandatory joinder” rule of Fed.  
19 R. Civ. P. 60(b). It appears from the court’s review of the motion that Plaintiff objects to his  
20 confinement in state prison, but he does not unequivocally state that he intends to bring a  
21 petition for a writ of habeas corpus. The court therefore adopts the Report and  
22 Recommendation.

01 As for the relief requested in Plaintiff's motion, it appears that he invokes Fed. R. Civ.  
02 P. 60(b) as a basis for voiding the state court conviction that led to his incarceration. Fed. R.  
03 Civ. P.60(b) can be used to set aside federal court judgments only, and only under  
04 circumstances not present here. The court therefore denies Plaintiff's motion.

05 The court hereby orders as follows:

- 06 (1) The court adopts the Report and Recommendation (Dkt. # 5);  
07 (2) The court DENIES Plaintiff's motion (Dkt. # 6);  
08 (3) Plaintiff's application to proceed in forma pauperis (Dkt. # 4) is DENIED and  
09 the complaint and this action are DISMISSED without prejudice; and  
10 (3) The Clerk is directed to send a copy of this Order to plaintiff and to Judge  
11 Theiler.

12 DATED this 24th day of June, 2008.

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15 The Honorable Richard A. Jones  
16 United States District Judge